

Assembly Bill No. 358

CHAPTER 700

An act to add Section 13286 to the Water Code, relating to water.

[Approved by Governor October 10, 2001. Filed
with Secretary of State October 11, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 358, Kelley. Water quality: Cathedral City.

The Porter-Cologne Water Quality Control Act authorizes a California regional water quality control board, in a water quality control plan, to specify certain areas where the discharge of waste, or certain types of waste, will not be permitted. The act authorizes a regional board, under certain circumstances, to make a determination that the discharge of waste from existing or new individual disposal systems that utilize subsurface disposal should not be permitted.

This bill would require the appropriate regional board, on and after January 1, 2012, to prohibit the discharge of wastewater into the ground through the use of individual subsurface disposal systems in the Cove area of Cathedral City in Riverside County for the purposes of protecting the health and safety of the residents consuming the groundwater of the Upper Coachella Valley Groundwater Basin. The bill would authorize the appropriate regional board, prior to January 1, 2012, to implement this prohibition. The bill would require the regional board to revise its water quality control plan to reflect this prohibition. The bill would make related findings and declarations.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The rising nitrate levels in the groundwater of the Whitewater River Subbasin of the Upper Coachella Valley Groundwater Basin are caused by the continued use of individual residential and commercial subsurface disposal systems, which discharge more than one million gallons of wastewater daily into the ground within the Cove area of Cathedral City in Riverside County.

(b) The continued use of individual residential and commercial subsurface disposal systems within the Cove area of Cathedral City will result in violations of water quality objectives, impair present and future beneficial uses of water, and cause pollution and contamination of the groundwater of the Whitewater River Subbasin of the Upper Coachella

Valley Groundwater Basin that is used as a water supply for much of the greater Coachella Valley.

(c) Adequate protection of the quality and beneficial use of the groundwater of the Whitewater River Subbasin of the Upper Coachella Valley Groundwater Basin and the prevention of pollution and contamination of that groundwater caused by the use of individual residential and commercial subsurface disposal systems cannot be sufficiently achieved by redesign, relocation, alterations to size and spacing, reconstruction, or increased maintenance of existing individual disposal systems.

(d) The only viable alternative to the continued use of existing substandard individual disposal systems that utilize subsurface disposal within the Cove area of Cathedral City is the construction and installation of a sanitary public domestic and commercial wastewater disposal system in the Cove area and to prohibit the continued discharge of wastewater into the ground through the use of individual subsurface disposal systems.

(e) Without the construction and installation of a sanitary public domestic and commercial wastewater disposal system in the Cove area, the city will be unable to meet the water quality objectives adopted by the regional water quality control board.

(f) A wastewater disposal system is necessary to adequately meet the Coachella Valley's needs for present and probable future beneficial uses of water and to ensure the valley's quality of available water continues to meet or exceed minimum standards.

(g) In the interest of achieving the applicable water quality objectives, it is necessary to protect present and future beneficial uses of the groundwater of the Upper Coachella Valley Groundwater Basin and to prevent any further pollution and contamination of that groundwater by immediately constructing and installing a sanitary public domestic and commercial wastewater disposal system in the Cove area of Cathedral City and prohibiting the discharge of wastewater into the ground through the use of individual subsurface disposal systems.

(h) In order to protect the health and safety of the citizens currently consuming the groundwater of the Upper Coachella Valley Groundwater Basin, a sanitary public domestic and commercial wastewater disposal system should be immediately constructed and installed in the Cove area of Cathedral City and the discharge of wastewater into the ground through the use of individual subsurface disposal systems should be prohibited.

SEC. 2. Section 13286 is added to the Water Code, to read:

13286. (a) On and after January 1, 2012, the appropriate regional board shall prohibit the discharge of wastewater into the ground through

the use of individual subsurface disposal systems in the Cove area of Cathedral City in Riverside County for the purposes of protecting the health and safety of the residents consuming the groundwater of the Upper Coachella Valley Groundwater Basin and achieving the applicable water quality objectives.

(b) The appropriate regional board shall revise its water quality control plan to reflect the prohibition set forth in subdivision (a).

(c) Notwithstanding subdivisions (a) and (b), the appropriate regional board, prior to January 1, 2012, may prohibit the discharge of wastewater through the use of individual subsurface disposal systems in the Cove area of Cathedral City in Riverside County, and if so prohibited, that board shall revise its water quality control plan to reflect the prohibition.

(d) To ensure that the purposes of this section are fulfilled, the state board, using existing resources, shall assist Cathedral City to identify and obtain state and federal funds to establish a sanitary public domestic and commercial wastewater disposal system.

